

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Albert Centers

Plaintiff,

v.

A.W. CHESTERTON COMPANY, a corporation;
COMBUSTION ENGINEERING INCORPORATED, a corporation;
DURABLA MANUFACTURING COMPANY, a corporation;
THE FLINTKOTE COMPANY, a corporation;
FOSTER-WHEELER CORP., a corporation; GARLOCK
INCORPORATED, a corporation; GENERAL ELECTRIC
COMPANY, a corporation; GENERAL REFRACTORIES
COMPANY, a corporation; GEORGIA-PACIFIC Corp., a
corporation; HALLIBURTON COMPANY, a corporation;
INDUSTRIAL HOLDINGS CO., a corporation;
METROPOLITAN LIFE INSURANCE COMPANY, a
corporation; OWENS-ILLINOIS INCORPORATED, a
corporation; VIACOM, INC. as successor to
WESTINGHOUSE ELECTRIC COMPANY, a corporation;

Defendants.

DOCKETED

DEC - 4 2002

CASE NO.

02 C 8702

In Re Asbestos Litigation

JUDGE ANDERSEN

MAGISTRATE JUDGE KEYS

COMPLAINT

COMPLAINT

Now comes the plaintiff, Frank J. Costa, hereinafter "Plaintiff," by and through his attorneys, CASCINO VAUGHAN LAW OFFICES, LTD., and complains of A.W. CHESTERTON COMPANY, a corporation; COMBUSTION ENGINEERING INCORPORATED, a corporation; DURABLA MANUFACTURING COMPANY, a corporation; THE FLINTKOTE COMPANY, a corporation; FOSTER-WHEELER CORP., a corporation; GARLOCK INCORPORATED, a corporation; GENERAL ELECTRIC COMPANY, a corporation; GENERAL REFRACTORIES COMPANY, a corporation; GEORGIA-PACIFIC Corp., a corporation; HALLIBURTON COMPANY, a corporation; INDUSTRIAL HOLDINGS CO., a corporation; METROPOLITAN LIFE INSURANCE COMPANY, a corporation; OWENS-ILLINOIS INCORPORATED, a corporation; VIACOM, INC. as successor to WESTINGHOUSE ELECTRIC COMPANY, a corporation;

U.S. DISTRICT COURT
CLERK'S OFFICE
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14

OWENS-ILLINOIS INCORPORATED, a corporation; VIACOM, INC. as successor to
WESTINGHOUSE ELECTRIC COMPANY, a corporation; hereinafter "Defendants", as follows:

JURISDICTION

1. Albert Centers is an adult citizen of Illinois. Plaintiff's address is 19514 East County Road 250N, Charleston, IL 61920. Plaintiff worked around asbestos at various job sites in the states of Illinois and Indiana during his career as an iron worker.
2. Defendants are all corporations, none of which is incorporated in or has its principal place of business in the State of Illinois, and at all times relevant to the allegations contained herein were engaged in the business of designing, manufacturing and selling asbestos and/or asbestos-containing products and/or asbestos-insulated equipment, hereinafter referred to as "asbestos products." Please refer to the attached Exhibit A for the state of incorporation and principal place of business of each defendant.
3. Jurisdiction is based on diversity of citizenship of the parties hereto under Title 28, United States Code, §1332.
4. The amount in controversy exceeds the sum of Seventy-Five Thousand Dollars (\$75,000), exclusive of interest and costs.
5. Venue is proper pursuant to Title 28, United States Code, §1391.

GENERAL ALLEGATIONS

6. Plaintiff during the course of his employment at various job sites, including those listed on the attached Exhibit B, was exposed to asbestos dust or fibers emanating from the asbestos products and/or asbestos insulated equipment which was sold, manufactured, distributed, packaged, installed or otherwise placed into commerce by defendants.
7. Plaintiff was ignorant of the dangerous nature of asbestos and of the nature of the risks incurred by

workers working with or near asbestos products.

8. Plaintiff became aware of the asbestos-related condition and that said condition was caused by Defendants' wrongful conduct within the statute of limitations before the filing of this action.
9. As a direct and proximate result of the conduct of Defendants, Plaintiff developed and has been diagnosed as having lung cancer. See medical report at Exhibit C, attached hereto and incorporated herein by this reference.
10. Plaintiff suffered great pain, physical impairment, great mental pain and anguish, is liable for large sums of money for current and future medical and hospital care, and suffered losses to his personal property and possessions.

PRODUCTS LIABILITY - NEGLIGENCE

11. It was reasonably foreseeable by Defendants that Plaintiff and other workers would be working with or in the proximity of Defendants' asbestos products.
12. Defendants had a duty to exercise reasonable care for the safety of Plaintiff and others who worked with or were exposed to Defendants' asbestos products.
13. Prior to, during, and after the time Defendants manufactured, produced, processed, packaged, designed, distributed, and/or shipped the asbestos products to which Plaintiff was exposed, Defendants knew, or in the exercise of ordinary or reasonable care ought to have known, that exposure to their asbestos products caused disease and/or death and that Plaintiff and/or others did not know that asbestos products were dangerous or harmful.
14. Notwithstanding the aforementioned duty, Defendants, and each of them, were negligent by one or more of the following acts or omissions in that they:
 - a. Failed to adequately warn Plaintiff and/or others of the health hazards concerned with exposure to asbestos;
 - b. Failed to recommend and/or provide proper protective apparel, equipment, appliances, and/or

packaging to ensure Plaintiff's and/or other's safety;

- c. Failed to warn Plaintiff and/or others of the danger and harm of the asbestos after the products or equipment were installed at the premises;
- d. Failed to investigate or test for the health effects of asbestos prior to distribution and sale;
- e. Failed to instruct Plaintiff, his employers and/or others in the use of precautionary measures relating to asbestos-containing products and/or asbestos-insulated equipment; and/or
- f. Manufactured, supplied, or installed unsafe asbestos-containing products or asbestos-insulated equipment.

15. As a direct and proximate result of these negligent acts and/or omissions of Defendants, Plaintiff endured suffering and injuries set forth in paragraph 9.

DEFENDANT SPECIFIC COUNTS

A.W. CHESTERTON CO.

COUNT 1 - PRODUCTS LIABILITY - NEGLIGENCE

16. Plaintiff reasserts and incorporates herein by this reference the above claims (paragraphs 1 - 15) based on negligence with respect to this defendant.

COMBUSTION ENGINEERING CO.

COUNT 2 - PRODUCTS LIABILITY - NEGLIGENCE

17. Plaintiff reasserts and incorporates herein by this reference the above claims (paragraphs 1 - 15) based on negligence with respect to this defendant.

DURABLA MANUFACTURING CO.

COUNT 3 - PRODUCTS LIABILITY - NEGLIGENCE

18. Plaintiff reasserts and incorporates herein by this reference the above claims (paragraphs 1 - 15) based on negligence with respect to this defendant.

THE FLINTKOTE COMPANY

COUNT 4 - PRODUCTS LIABILITY - NEGLIGENCE

19. Plaintiff reasserts and incorporates herein by this reference the above claims (paragraphs 1 - 15) based on negligence with respect to this defendant.

FOSTER-WHEELER CORPORATION

COUNT 5 - PRODUCTS LIABILITY - NEGLIGENCE

20. Plaintiff reasserts and incorporates herein by this reference the above claims (paragraphs 1 - 15) based on negligence with respect to this defendant.

GARLOCK INCORPORATED

COUNT 6 - PRODUCTS LIABILITY - NEGLIGENCE

21. Plaintiff reasserts and incorporates herein by this reference the above claims (paragraphs 1 - 15) based on negligence with respect to this defendant.

GENERAL ELECTRIC COMPANY

COUNT 7 - PRODUCTS LIABILITY - NEGLIGENCE

22. Plaintiff reasserts and incorporates herein by this reference the above claims (paragraphs 1 - 15) based on negligence with respect to this defendant.

GENERAL REFRactories COMPANY

COUNT 8 - PRODUCTS LIABILITY - NEGLIGENCE

23. Plaintiff reasserts and incorporates herein by this reference the above claims (paragraphs 1 - 15) based on negligence with respect to this defendant.

GEORGIA-PACIFIC CORPORATION

COUNT 9 - PRODUCTS LIABILITY - NEGLIGENCE

24. Plaintiff reasserts and incorporates herein by this reference the above claims (paragraphs 1 - 15) based on negligence with respect to this defendant.

HALLIBURTON COMPANY as successor to DRESSER INDUSTRIES, INC; DII INDUSTRIES

LLC; BROWN AND ROOT INC.; KELLOGG, BROWN AND ROOT; M.W. KELLOGG;

WORTHINGTON CORPORATION; WORTHINGTON PUMP (NEW JERSEY);

WORTHINGTON PUMP (DELAWARE); HARBISON WALKER REFRactories

COMPANY; INDRESCO, INC.; AND ALCO

COUNT 10 - PRODUCTS LIABILITY - NEGLIGENCE

25. Plaintiff reasserts and incorporates herein by this reference the above claims (paragraphs 1 - 15) based on negligence with respect to this defendant.

INDUSTRIAL HOLDINGS COMPANY

COUNT 11 - PRODUCTS LIABILITY - NEGLIGENCE

26. Plaintiff reasserts and incorporates herein by this reference the above claims (paragraphs 1 - 15) based on negligence with respect to this defendant.

COUNT 12 - PRODUCTS LIABILITY - NEGLIGENCE

27. This claim is brought against INDUSTRIAL HOLDINGS CO. for Negligence.

28. During the time in issue said Defendant manufactured, supplied and distributed to Plaintiff Carborundum saw blades to cut asbestos bricks.

29. Equipment supplied by defendant failed to warn of asbestos hazards related to its use.
30. It was reasonably foreseeable Plaintiff and others would be exposed to asbestos as a result of using the tool.
31. Defendant had a duty to exercise reasonable care for the safety of Plaintiff and others who worked with or were exposed to Defendant's asbestos products.
32. Equipment supplied by Defendant failed to provide adequate protection and/or measures to be taken to protect Plaintiff from exposure to asbestos under Defendant's instructions of operation.
33. Plaintiff's use of the dangerous equipment manufactured and supplied by the Defendant INDUSTRIAL HOLDINGS CO. is a proximate cause of the injuries set forth above in paragraph 9.

METROPOLITAN LIFE INSURANCE COMPANY

COUNT 13 - PRODUCTS LIABILITY - NEGLIGENCE

34. Plaintiff reasserts and incorporates herein by this reference the above claims (paragraphs 1 - 15) based on negligence with respect to this defendant.

COUNT 14 - CONSPIRACY

35. This claim is brought against defendant METROPOLITAN LIFE INSURANCE COMPANY for civil conspiracy and Plaintiff incorporates allegations 1 - 5 and 38 above.
36. Said defendant and co-conspirators had actual knowledge or through the exercise of ordinary care should have known as early as the 1930's that exposure to asbestos caused serious disease and death; that the risks and health hazards of asbestos were not widely known; and that the general public in the United States was ignorant of the hazardous properties of asbestos.
37. Defendant METROPOLITAN LIFE INSURANCE COMPANY and other unnamed co-conspirators knowingly and willfully combined, agreed, and conspired with each other for the purpose of accomplishing one or more of the following unlawful purposes:
 - a. Suppressing information about the health hazards of asbestos, including medical and

scientific data, from those persons who would be exposed to the asbestos from the products made and sold by the conspirators,

b. Affirmatively asserting, in a manner not warranted by the information possessed by the conspirators, claims that the conspirators knew were false, namely, that it was safe to work with and in close proximity to asbestos.

38. The conspirators, including METROPOLITAN LIFE INSURANCE COMPANY, in communications between each other and through participation in trade organizations and committees of such trade organizations, ratified and adopted the unlawful purposes and conduct of the conspiracy.

39. Defendant METROPOLITAN LIFE INSURANCE COMPANY and one or more of the conspirators performed the following tortious acts in furtherance of the conspiracy:

a. Manufactured, sold, packaged or installed unreasonably dangerous asbestos products to which the Plaintiff was exposed,

b. Failed to warn about health hazards of asbestos, failed to investigate health hazards of asbestos or failed to instruct about precautionary measures required for protection;

40. The agreement between METROPOLITAN LIFE INSURANCE COMPANY and the conspirators and acts done in furtherance of the agreement were the proximate causes of the injuries set forth above in paragraph 9.

OWENS-ILLINOIS INCORPORATED

COUNT 15 - PRODUCTS LIABILITY - NEGLIGENCE

41. Plaintiff reasserts and incorporates herein by this reference the above claims (paragraphs 1 - 15) based on negligence with respect to this defendant.

VIACOM INC. as successor to WESTINGHOUSE ELECTRIC COMPANY

COUNT 16 - PRODUCTS LIABILITY - NEGLIGENCE

42. Plaintiff reasserts and incorporates herein by this reference the above claims (paragraphs 1 - 15) based on negligence with respect to this defendant.

PRAYER FOR RELIEF

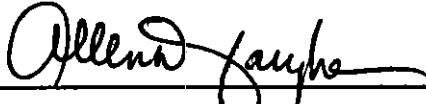
WHEREFORE, Plaintiff prays for relief as follows:

1. Judgement against Defendants, jointly and severally, for compensatory and general damages in excess of \$75,000 plus costs.
2. Such further legal and equitable relief as the Court orders to do justice in this case; costs and disbursements of this action.

JURY TRIAL DEMAND

Plaintiff hereby demands a trial by a jury of 6.

Dated this 21st day of November, 2002.



One of the Plaintiff's Attorneys

ALLEN D. VAUGHAN
CASCINO VAUGHAN LAW OFFICES, LTD.
220 South Ashland Avenue
Chicago, Illinois 60610-1117
312-944-0600
312-944-1870 fax

Exhibit A
Defendants' Incorporation States and Principal States of Business

DEFENDANT	STATE OF INCORPORATION	PRIMARY STATE OF BUSINESS
A. W. Chesterton Company	Massachusetts	Massachusetts
Combustion Engineering, Inc.	Delaware	Massachusetts
Durabla Manufacturing Company	Pennsylvania	Pennsylvania
Flintkote Company	Delaware	California
Foster Wheeler Corporation	New York	New Jersey
Garlock Incorporated	Ohio	Ohio
General Electric Company	New Jersey	New York
General Refractories Company	Pennsylvania	Pennsylvania
Georgia-Pacific Corporation	Georgia	Georgia
Halliburton Company	Delaware	Texas
Industrial Holdings Co.	New York	New York
Metropolitan Life Insurance Company	New York	New York
Owens-Illinois Corporation	Delaware	Ohio
Viacom, Inc.	Delaware	New York

Exhibit B

Work History of Albert Centers

Last	First	MI	FirstYrId	LastYrId	SiteLocation	SiteCity	SiteSt
Centers	Albert	L	1966	1988	Eastern Illinois University	Charleston	IL
Centers	Albert	L	1966	1988	North High School	Terre Haute	IN
Centers	Albert	L	1966	1988	South Side High School		IN
Centers	Albert	L	1966	1988	USI Chemicals	Tuscola	IL
Centers	Albert	L	1966	1988	Wabash River Power Station	Terre Haute	IN
Centers	Albert	L	1968	1969	Marathon Refinery	Robinson	IL

ALVIN J. SCHONFELD, D.O., F.C.C.P., F.A.A.D.E.P.

Diplomate—American Boards of Internal Medicine and Pulmonary Disease
438 West St. James Place, Chicago, IL 60614 • (888) 691-8521

July 2, 2001

Michael P. Cascino, Esq.
Allen D. Vaughan, Esq.
CASCINO VAUGHAN LAW OFFICES, LTD.
403 W North Ave
Chicago, IL 60610

RE:	Albert Centers
Social Security No.:	329-32-2363
Date of Birth:	March 25, 1935

Dear Messrs. Cascino & Vaughan:

This is a physician's report pertaining to your above-referenced client.

Albert Centers is a 62-year-old male residing in Charleston, Illinois. His principal reported employment from 1966 to 1988 was as a iron worker. During that period, he reportedly had a history of extensive exposure to asbestos dust. Mr. Centers also reportedly was a cigarette smoker from 1970 to 1998.

The attached pathology report dated August 20, 2000 by Mr. Brett R. Bartlett, MD and the radiation oncology report dated September 1, 2000 by Mr. Michael Bruin, MD both indicate that your client has a history of lung cancer.

In my opinion, given your client's history of extensive exposure to asbestos and asbestos dust commencing 22 years prior to the reported findings and given the medically well-established relationship between asbestos exposure and those findings, there is a causal connection between your client's asbestos exposure and the lung cancer from which he suffers.

Further laboratory and clinical testing may reveal that Mr. Centers suffers significant disability from a more severe asbestos-related condition than indicated by the observations stated above.

Sincerely,


Alvin J. Schonfeld, D.O.
attachment
AJS/sjl

Patient Name: CENTERS, ALBERT L
 Admission Number: 3112279
 Medical Record Number: (0000)000017895
 Date of Birth: 03/25/1939
 Age: 61 YRS Sex: M
 Room Number: Bed:
 Patient Location: L
 Requesting Physician: RUFFOLO, ALDO
 Copies to: RUFFOLO, ALDO
 GREEN, CURTIS R.

SARAH BUSH LINCOLN HEALTH CENTER
 1000 Health Center Drive
 Mattoon, Illinois 61938-0327
 Telephone 217-258-2225
 Telecopy 217-258-2367

Pathologists:
 Brett R. Bartlett, M.D.
 Robert K. Reuter, D.O.

SURGICAL PATHOLOGY REPORT

Date of Procedure: 07/19/00

Accession Number: 8-00-04129

SPECIMEN SOURCE:
 Right lung biopsy

CLINICAL INFORMATION:

Smoker 1 1/2 pk/day more than 40 years
 Right lung mass - bronchoscopy done 1 week ago

GROSS DESCRIPTION:

The specimen is marked "right lung biopsy" and consists of four pink-tan, 3 to 10 mm needle biopsy fragments submitted in cassette 1A.

BRB:KPK

DIAGNOSIS:

Right lung - biopsy:
 Poorly differentiated non-small cell carcinoma with abundant necrosis and reactive fibrosis

BRB:KPK
 07/20/00

By: BRETT R. BARTLETT, M. D., PATHOLOGIST
 (Electronic Signature)

TC I
 88305
 88173
 88312

*** END OF CHART ***

Printed Date/Time: 07/20/00 1049
 Page: 1

SURGICAL PATHOLOGY REPORT

Pathology Associates

Office of the Pathologist, P.C.
P.O. Box 1054
Tipton, Indiana 47808

M.R. Kastell, M.D.

G.J. Longo, M.D.

and Associates

Phone: (312) 238-7543
Fax: (312) 238-7230

Patient Name: **WHITE ERNEST L.**
Male, DOB 09/15/20, 79Y.

Attending Physician: **DULTZ, LAWRENCE R. M.D.**
Admission Number: **70002217**

Surgeon:
Medical Record No. **282225**

Location: **UNION HOSPITAL OUTPATIENT**
Accession Number: **SP00-11724**

Date of Procedure: **08/28/00**

Received: **08/28/00**

Reported: **08/29/00**

SURGICAL PATHOLOGY REPORT

CLINICAL DIAGNOSIS: **LARGE LUL MASS, WI LOSS, COUGH, LUNG CA, NO ENDOBRONCHIAL COMPONENT**

PROCEDURES: **FOB WITH TBBX**

TISSUE SUBMITTED: **LUL BX**

DIAGNOSIS:

LUNG, LEFT UPPER LOBE, TRANSBRONCHIAL BIOPSY: SMALL CELL CARCINOMA OF LUNG.

SOI/msb

[Signature] Reviewed by

Said O. Ismail, M.D.

Pathologist

Electronic signature approved by pathologist

GROSS DESCRIPTION:

The container is labeled "LUL biopsy". Specimen consists of several soft gray/white tissue bits aggregating to 0.6 cm. Submitted in toto in one block.

TG/msb

29600/M80413

DISTRIBUTION LIST

Albert Centers v. A.W. Chesterton Company, et al.

A. W. CHESTERTON CO
C/O CT CORPORATION SYSTEMS
120 S. CENTRAL AVE.
CLAYTON MO 63105

COMBUSTION ENGINEERING
C/O THE CORPORATION TRUST CO.
1209 ORANGE STREET
WILMINGTON DE 19801

DURABLA MANUFACTURING CO.
C/O LEGAL COUNSEL
120 SHEREE BLVD.
LYONVILLE, PA 19341

THE FLINTKOTE COMPANY
C/O CORPORATION TRUST COMPANY
1209 ORANGE STREET
WILMINGTON DE 19801

FOSTER-WHEELER CORP.
C/O LISA FRIES GARDNER
PERRYVILLE CORPORATE PARK
CLINTON, NJ 08809-0000

GARLOCK INC
C/O C T CORPORATION SYSTEM
1300 E. 9th STREET
CLEVELAND, OH 44114

GENERAL ELECTRIC COMPANY
C/O C T CORPORATION SYSTEM
1209 ORANGE STREET
WILMINGTON, DE 19801

GEORGIA-PACIFIC CORPORATION
C/O C T CORPORATION SYSTEM
208 S LASALLE ST STE 814
CHICAGO IL 60604-1135

GENERAL REFRACTORIES CO
225 CITY AVENUE
SUITE 114
BALA CYNWYD, PA 19004

HALLIBURTON COMPANY
THE CORPORATION TRUST COMPANY
1209 N. ORANGE ST.
WILMINGTON, DE 19801

INDUSTRIAL HOLDINGS CO.
C/O THE PRENTICE HALL COMPANY
80 STATE STREET
ALBANY, NY 12207

METROPOLITAN LIFE INSURANCE CO
220 CONTINENTAL DRIVE
NEWARK, DE 19713

OWENS-ILLINOIS CORP.
THE CORPORATION TRUST COMPANY
1209 ORANGE ST.
WILMINGTON, DE 19801

VIACOM, INC.
CORPORATION SERVICE COMPANY
2711 CENTERVILLE ROAD
WILMINGTON, DE 19808

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Albert Centers

DOCKETED

DEC - 4 2002

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DEFENDANTS

JUDGE ANDERSEN

A. W. Chesterton Co., et al.

(b) County of Residence of First Listed Plaintiff Coles County
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
Cascino Vaughan Law Offices, Ltd.
220 South Ashland Ave.
Chicago Illinois 60607
(312) 944-0600- (312) 944-1870 (fax)

County of Residence of First Listed Defendant Middlesex County
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONTROVERIES, USE THE JUDGE'S NAME
LAND INVOLVED.

Attorneys (If Known)

Allen D. Vaughan
Michael P. Cascino

02C 8702

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff
 2 U.S. Government Defendant
 3 Federal Question (U.S. Government Not a Party)
 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF	
Citizen of This State	X	1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	X 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input checked="" type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or 5 Reopened 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

28 USC § 1332

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ Over \$75,000 CHECK YES only if demand \$ in complaint: JURY DEMAND: Yes No

VII. RELATED CASE(S) (See instructions):

IF ANY

JUDGE

DOCKET NUMBER

DATE 12/02/02 SIGNATURE OF ATTORNEY OF RECORD Allen Vaughan

FOR OFFICE USE ONLY RECEIPT # AMOUNT APPLYING IFF JUDGE MAG. JUDGE 1-2

IN THE UNITED STATES DISTRICT COURT
 THE NORTHERN DISTRICT OF ILLINOIS
 EASTERN DIVISION

JUDGE ANDERSEN

Albert Centers

Plaintiffs,

v.

A. W. CHESTERTON, CO., et al.

Defendants.

DEPARTMENT

DEC - 4 2002

CASE NO:

02 C 8702

MAGISTRATE JUDGE KEYS

1. *Allen D. Vaughan*

Appearances are hereby filed by the undersigned as attorney of record for

Albert Centers

(A)		(B)	
SIGNATURE:	<i>Allen D. Vaughan</i>		
NAME:	Allen D. Vaughan		
FIRM:	Cascino Vaughan Law Offices, Ltd. 220 South Ashland Ave. Chicago Illinois 60607 (312) 944-0600		
IDENTIFICATION NUMBER:	3124122		
MEMBER OF TRIAL BAR:	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	MEMBER OF TRIAL BAR: YES <input type="checkbox"/> NO <input type="checkbox"/>
TRIAL ATTORNEY:	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	TRIAL ATTORNEY: YES <input type="checkbox"/> NO <input type="checkbox"/>
(C)		(D)	
SIGNATURE:			
NAME:			
FIRM:	Cascino Vaughan Law Offices, Ltd. 220 South Ashland Ave. Chicago Illinois 60607 (312) 944-0600		
IDENTIFICATION NUMBER:			
MEMBER OF TRIAL BAR:	YES <input type="checkbox"/>	NO <input type="checkbox"/>	MEMBER OF TRIAL BAR: YES <input type="checkbox"/> NO <input type="checkbox"/>
TRIAL ATTORNEY:	YES <input type="checkbox"/>	NO <input type="checkbox"/>	TRIAL ATTORNEY: YES <input type="checkbox"/> NO <input type="checkbox"/>

02 DEC -2 PM
 CLERK DISTRICT COURT
 FILED-ED4
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